

APPEAL NO. 021631
FILED AUGUST 5, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 3, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____, and did not have disability.

The claimant appealed, contending that certain testimony was hearsay and should not be considered, and that he has been unable to work due to the compensable injury. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The claimant, an apartment complex maintenance supervisor, testified that he injured his right elbow and lower back on _____, attempting to lift and discard an old water heater. Most of the evidence is in conflict. Shortly after the alleged injury the claimant was terminated.

This case turns on the credibility of the testimony and it is the hearing officer, as the sole judge of the weight and credibility of the evidence (Section 410.165(a)), to resolve the conflicts and inconsistencies in the evidence and decide what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). We would further note that conformity to the legal rules of evidence is not required. (Section 410.165(a)). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Susan M. Kelley
Appeals Judge